

MEMO ENDORSED

STROOCK

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8-3-11

August 3, 2011

By Email

James L. Bernard
Direct Dial 212-806-5684
Direct Fax 212-806-2684
jbernard@stroock.com

Honorable Richard J. Sullivan
United States District Judge
Southern District of New York
500 Pearl Street, Room 640
New York, New York 10007

Re: Pensioenfonds Metall en Techniek v. Strategic DSRG, LLC, 09 Civ. 5644 (RJS)

Dear Judge Sullivan:

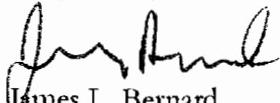
We represent Defendant in the above-entitled action and write on behalf and with the consent of all parties. The Court previously granted Plaintiff's request for an adjournment of a post-discovery status conference until August 26, 2011, and adopted the Revised Case Management Plan and Scheduling Order ("Scheduling Order"), dated May 6, 2011, setting the deadlines of June 15, 2011, for the disclosure of Plaintiff's expert report, August 1, 2011, for the disclosure of Defendant's expert report, and August 19, 2011, for the conclusion of expert depositions. The parties served their respective expert reports in accordance with the above deadlines. However, due to conflicting obligations in another proceeding pending out of the country, Defendant's expert is unavailable during a substantial portion of August.

The parties have accordingly agreed to schedule the deposition of Plaintiff's expert on August 19, 2011 (a Friday), and the deposition of Defendant's expert on August 22, 2011 (a Monday, three days after the Court's deadline of August 19). Therefore, we respectfully request that the Court modify the Scheduling Order to extend the deadline for expert depositions from August 19, 2011 to August 22, 2011, but agree that this change in schedule will not impact the next status conference with the Court, scheduled for August 26, 2011.

Honorable Richard J. Sullivan
August 3, 2011
Page 2

Because the minor extension of the deadline for depositions does not affect any other scheduled dates, per the Court's Individual Practices, we have not included a proposed revised Scheduling Order.

Respectfully submitted,



James L. Bernard

cc: John G. McCarthy, Esq.

SO ORDERED. 
Dated: **RICHARD J. SULLIVAN**
U.S.D.J.